

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
August 13, 2019 – 5:30 P.M.**

Before calling the meeting to order, Vice Chair Ret Taylor asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Richard Morris, Vicki Newton, Kelly Wilson, Ret Taylor, Matt Marshall, Griffin Hanna, Brian Trumbly and Bob Cooper. Don Keesee was absent.

Vice Chair Taylor then called for a motion on the minutes from the July 9, 2019, meeting. Commissioner Cooper moved, seconded by Commissioner Wilson, to approve the minutes as written.

Ms. Brenda Andrews spoke on the procedures.

1. CONSENT AGENDA

- A. Brookstone Place Subdivision, Lots 1-11 – Final Plat – Crafton Tull & Associates**
- B. Fuller Addition, Lots 1-17 – Final Plat – Brixey Engineering**
- C. Stonebrook At Chaffee Crossing, Phase IV, Lots 59-75 – Preliminary Plat – Brixey Engineering**
- D. Conditional Use #11-8-19; A request by Edwin Nieto for a contractor shop and storage yard at 2100 North O Street.**
- E. Conditional Use #14-8-19; A request by James Adams, agent for Fort Smith Public Schools, for additions to existing educational facilities at 3201 Jenny Lind Road.**

Vice Chair Taylor introduced the consent agenda. Vice Chair Taylor called for a motion. Commissioner Cooper, seconded by Commissioner Newton, moved to approve the consent agenda. Vice Chair Taylor called for a vote. The vote was 8 in favor, 0 opposed, and 1 abstention on item E (Wilson).

- 2. Rezoning Application #18-8-19; A request by Ron Brixey, agent for Lorena Mae Goebel for a zone change from Residential Single Family Low Density (RS-1) to Residential Single Family Medium/High Density (RS-3) at 201 North 66th Street.**

3. Free Ferry Ridge Lots 1-9 – Preliminary Plat – Brixey Engineering

Vice Chair Taylor introduced items 2 and 3 as companion items. Ms. Brenda Andrews presented the staff reports, stating the 3.37 acre site is located on the west side of North 66th Street and north of Free Ferry Road. She stated approval of these items would allow for the development of nine (9) residential lots for single-family dwellings.

Ron Brixey was present to represent these items.

Several neighboring property owners spoke in opposition of the applications, including Rhett Howard of 6101 Phoenix Avenue, Gary Felker of 12 Free Ferry Circle, Debra Moorman of 6521 Free Ferry Road, Cy Martin of 3 Free Ferry Circle, Charles Goebel of 122 South Coker Street in Greenwood, Phil Homestead of 6500 Park Avenue and Sam Jagers of 6100 Park Avenue. Concerns and objections to the applications included decrease in property values, lot sizes, drainage, and traffic safety on North 66th Street.

After discussion, Vice Chair Taylor called for a motion on item 2—the rezoning. Commissioner Wilson moved to approve with staff comments, seconded by Commissioner Hanna. Vice Chair Taylor called for a vote. The vote was 0 in favor and 8 opposed.

Vice Chair Taylor called for a motion on item 3—the preliminary plat. Commissioner Wilson moved, seconded by Commissioner Trumbly to approve the application with staff comments. Vice Chair Taylor called for a vote. The vote was 0 in favor and 8 opposed.

Vice Chair Taylor announced items 2 and 3 were denied.

4. Rezoning Application #16-8-19; A request by Jennifer Parks, agent for Honeycomb Properties, LLC, for a zone change from Not Zoned to a Planned Zoning District (PZD) at 7420 and 7424 Ellis Street.

Vice Chair Taylor introduced item 4. Ms. Andrews read the staff report, stating the 0.72 acre property was located on the northwest side of Ellis Street between Darby Avenue and Ward Avenue with approximately 174 feet of street frontage along Ellis Street. She indicated the approval of the zoning would allow for the existing insurance office and fitness studio to be in compliance with the zoning code at 7424 Ellis Street. The zoning will also allow for 7420 to be developed as a general office.

Jennifer Parks was present to represent this application. There were none present in favor or opposition.

There being no discussion, Vice Chair Taylor called for a motion. Commissioner Cooper moved, seconded by Commissioner Trumbly to approve the application. The motion carried with 8 in favor and 0 opposed.

5. Master Land Use Plan Amendment #3-8-19; A request by Craig Beam for a Master Land Use Plan Amendment from Commercial Neighborhood to Residential Detached by extension at 800 North 19th Street.

6. Rezoning Application #17-8-19; A request by Craig Beam for a zone change from Commercial Light (C-2) to Residential Single Family High Density (RS-4) by classification at 800 North 19th Street.

Vice Chair Taylor announced item 5 and 6. Ms. Rice presented the staff reports. She stated the property is on the northeast corner of North H Street and North 19th Street intersection and located on the west side of North 20th Street, containing 0.25 acres with 165 feet of frontage along North H Street, 55 feet of frontage along North 19th Street, and 20 feet of frontage along North 20th Street.

Ms. Rice stated that the MLUP amendment and rezoning will facilitate the sale of the property. The financial institution involved in the transaction requires the proper zoning prior to authorizing the loan.

Craig Beam was present to represent the application and answer questions. There were none present to speak in favor or opposition.

After discussion, Vice Chair Taylor called for a motion on item 5—the master land use plan amendment. Commissioner Trumbly moved to approve the master land use plan amendment, seconded by Commissioner Marshall. The vote carried with 8 in favor and 0 opposed.

Vice Chair Taylor called for a motion on item 6—the rezoning. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the rezoning. The vote carried with 8 in favor, 0 opposed.

- 7. Rezoning Application #14-8-19; A request by Alford Law Firm, P.A., agent for Curly & Crash, LLC, for a zone change from Not Zoned to Transitional (T) at 7612 Taylor Avenue.**
- 8. Conditional Use #13-8-19; A request by Alford Law Firm, P.A., agent for Curly & Crash, LLC for a diagnostic laboratory testing facility at 7612 Taylor Avenue.**

Vice Chair Taylor introduced items 7 and 8 as companion items. Ms. Andrews read the staff report, stating that the 0.71 acre property was located on the northwest side of Taylor Avenue between Ward Avenue and Darby Avenue. She indicated the approval of these items would allow the owner of an existing diagnostic laboratory testing business to refinance the building. The financial entity requires the correct zoning on the property prior to refinancing.

Jessica Hopkins was present to represent this application. There were none present in favor or opposition.

There being no discussion, Vice Chair Taylor called for a motion on item 7—the rezoning. Commissioner Marshall, seconded by Commissioner Trumbly, moved to approve this item. Vice Chair Taylor called for a vote. The motion passed, 8 in favor and 0 opposed.

Vice Chair Taylor called for a motion on item 8—the conditional use. Commissioner Trumbly made a motion to approve the conditional use, seconded by Commissioner Hanna. The motion carried with 8 in favor and 0 opposed.

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- 9. Variance #19-8-19; A request by Phil Leraris, agent for Ruth Cerniglia & Rita Cerniglia, for a variance 1) from 30' to 0.6' exterior side-yard setback; 2) from 50' to 30' minimum street frontage; and 3) from 75' to 44' minimum lot width at setback line at 2303 Gary Street.**

Vice Chair Taylor introduced item 9. Ms. Rice presented the staff report. She stated that the 1.23 acre property is on the north side of Gary Street between Independence Street and South 27th Street. Ms.

Rice explained the approval of this item would allow for the lot to be split into two parcels with a single family dwelling located on each parcel with a shared driveway.

Diane Udouj of 2600 Fresno Place spoke against the possibility of apartment complexes. Staff stated that multifamily was not a permitted use in the RSD-2 zoning district.

Phil Leraris was present to represent this item. No one was present to speak in favor or against the variance.

Vice Chair Taylor called for a motion. Commissioner Hanna moved, seconded by Commissioner Marshall, to approve the variance. The motion carried 8 in favor and 0 opposed.

10. Variance #20-8-19; A request by James Adams, agent for Fort Smith Public Schools, for a variance 1) from 20' to 16'8" front-yard setback; 2) from 15' to 5' exterior side-yard setback; and 3) 20' to 0' front-yard setback at 2301 North B Street.

Vice Chair Taylor introduced items 10 and 11 as companion items. Ms. Rice read the staff report, indicating the 17.57 acre property is on the north side of Rogers Avenue between North 21st Street and Belle Avenue. The approval of these items would facilitate the addition of a Freshman Center at Northside High School.

Jason Green with ABB Motors and Manufacturing spoke in favor of the applications. Bill Hollenbeck with Fort Smith Public Schools, Galen Hunter with MAHG Architecture, and Kyle Salyer with Hawkins-Weir Engineers, Inc., were also present to represent the applications.

The following people spoke in opposition of the applications, including Richard Tinder of 2229 South Z Street, Diane Udouj of 2600 Fresno Place, Ron Powell of 4130 South 34th Street, Janice Moore of 218 North 21st Street, Pam Carter of 2528 South 47th Court and Sheila Garren of 2102 South M Street. Traffic, millage use, parking, traffic, student safety, loss of green space, and historical integrity were the main concerns among these individuals.

After discussion, Vice Chair Taylor called for a motion on item 10—the variance. Commissioner Wilson, seconded by Commissioner Marshall, moved to approve the variance. Vice Chair Taylor called for a vote. The vote was 7 in favor and 1 abstention (Cooper).

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11. Conditional Use #12-8-19; A request by James Adams, agent for Fort Smith Public Schools, for new educational facilities, additions and campus parking improvements at 2301 North B Street.

Vice Chair Taylor called for a motion on item 11—the conditional use. Commissioner Trumbly moved, seconded by Commissioner Wilson, to approve the conditional use subject to the following staff comment:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Vice Chair Taylor called for a vote. The vote was 7 in favor and 1 abstention (Cooper). Vice Chair Taylor announced these items had passed.

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12. Variance #21-8-19; A request by Patrick J. Mickle, agent for Fort Smith Public Schools, for a variance from UDO high-quality materials requirement for a new educational facility at 4100 Gary Street.

Vice Chair Taylor introduced items 12 and 13 as companion items. Ms. Rice then stated the applicant now wished to adhere to the UDO high-quality material requirements for the new arena facility. Commissioners were shown a drawing provided by the applicant showing the revised plan with a minimum of 51% brick on all facades of the arena.

Vice Chair Taylor called for a motion to remove the variance request from the agenda. Commissioner Morris motioned, seconded by Commissioner Cooper, to remove item 12—the variance—from the agenda. Vice Chair Taylor called for a vote. The vote carried with 8 in favor, 0 opposed.

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13. Conditional Use #15-8-19; A request by Patrick J. Mickle, agent for Fort Smith Public Schools, for new construction and additions to educational facilities at 4100 Gary Street.

Ms. Rice presented the staff report, indicating the 28.85 acre property was on the south side of Gary Street just west of Valley Road. She stated the approval of this item would allow for the addition of a sports arena with attached safe room, a west wing two-story classroom addition, administration building, eastern safe room, and associated parking, utility and storm drainage improvements.

Patrick Mickle was present to represent this item. Mark Ahlert of 4024 Fresno Street spoke in opposition to the size and appearance of the conceptual renderings of the Southside Maverick mascot signage on the proposed administration and west wing additions.

After discussion, Vice Chair Taylor called for a motion. Commissioner Trumbly moved, seconded by Commissioner Hanna, to approve the conditional use with the following staff comment:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Vice Chair Taylor called for a vote. The vote was 7 in favor and 1 abstention (Cooper). Vice Chair Taylor announced the conditional use had passed.

There being no further business, the meeting adjourned at approximately 7:42 p.m.